

12-19-05

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I hereby certify that this document pertaining to Application Number 10/600,379 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10, Express Mail Label No. ED666641880, on the date subscribed, in an envelope addressed to MAIL STOP AMENDMENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 16<sup>th</sup> day of December, 2005.

Ray R. Regan, Attorney for Applicant, Registration No.36, 899

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Steve B. Taylor
Sole Inventor:	Steve B. Taylor
For:	A Coupler
Filing Date:	June 20, 2003
Application Number:	10/600,379
Attorney Docket Number:	2236.001
Express Mail Label Number:	ED666641880US
Group Art Unit:	3679
Examiner:	Victor MacArthur

**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT  
MAILED BY THE EXAMINER ON DECEMBER 7, 2005  
AND  
PETITION PERTAINING TO AN EXTENSION OF TIME**

To: MAIL STOP Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Introductory Comments**

On December 7, 2005 the Examiner mailed an Advisory Action and Notice of Non-

Compliant Amendment (“Notice”) to Applicant who had filed a Reply to Final Office Action that was earlier mailed by the Examiner on August 23, 2005 (“Reply to Final Office Action”). Applicant has attached the Notice to this reply as an aid in identifying the Notice.

#### **Action in Response to Notice**

In the Notice the Examiner stated in paragraph 4.E. that the text of cancelled claims 23-31 in the claims listing included with the Reply to Final Office Action must not be included, citing 37 CFR §1.121 and MPEP §714.

Applicant disagrees with the Examiner’s interpretation of those references.

37 CFR §1.121(c) provides:

Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. (Emphasis added.)

MPEP §714 (Rev. 3, August 2005) restates the same requirements, but adds additional requirements for parenthetical expressions such as “(cancelled)” to be added to the claims listing. Indeed, at page 700-219 the MPEP provides a variety of acceptable alternative status identifiers.

Applicant submits that the Reply to Final Office Action scrupulously complies with the Regulation and MPEP provisions.

Nothing either in the Regulations or in MPEP §714 (Rev. 3, August 2005) supports the argument of the Examiner. Nothing either in the Regulations or in MPEP §714 (Rev. 3, August 2005) expressly states that the text of cancelled claims must not be included in a listing of claims included in a reply to an office action.

Applicant, therefore, respectfully requests that the Examiner withdraw the Notice and enter the Reply as originally filed.

Anticipating that the Examiner is unlikely to do so, however, in an effort to expedite placing the case in condition for appeal Applicant includes with this paper a revised listing of claims that the Examiner should enter in the Examiner finds the foregoing arguments unpersuasive.

### **Extension of Time**

Because of the foregoing arguments, Applicant believes that Applicant should not be required to pay for an extension of time.

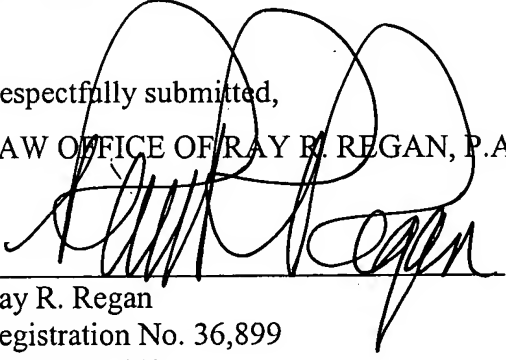
However, again in the interest of expediting this case to appeal, the Commissioner may consider this paper a request under the provisions of 37 CFR §1.136(a) to extend the period for filing this paper. The Examiner mailed the final office action on August 23, 2005. The requested extension is, therefore, for one (1) month. The requested extension is for a small entity, and this document is a written assertion confirming that Applicant claims entitlement to small entity status. Any fee required under 37 CFR § 1.17(a) is to be paid as follows: the Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 501565 for the Law Office of Ray R. Regan, P.A. If an additional extension of time is required, the Commissioner is authorized to consider this a petition for such an additional extension of time and to charge any additional fees that may required to Deposit Account No. 501565 for the Law Office of Ray R. Regan, P. A.

A duplicate copy of this paper is enclosed.

### **Conclusion**

Applicant believes that this submission satisfies the requirements of the Notice. Applicant has attempted to be fully responsive to the Notice. If, however, the examiner has any additional comments or suggestions, the undersigned would welcome a telephone call to discuss the matter.

Respectfully submitted,  
LAW OFFICE OF RAY R. REGAN, P.A.



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